

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Establishing the Digital Opportunity Data Collection)	WC Docket No. 19-195
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
)	

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)¹ respectfully submits these comments in support of CTIA’s two petitions for reconsideration of the Federal Communications Commission’s (“Commission”) Second Report and Order and Third Report and Order of the Broadband Data Collection (“BDC”).² CTIA’s September 2020 petition asks the Commission to reconsider two aspects of the Second Report and Order: (1) the decision to require mobile wireless providers to model in-vehicle coverage and (2) the decision to deny confidential treatment to mobile wireless providers’ link budgets.³ CTIA’s May 2021 petition urges the Commission to reconsider two aspects of the Third Report and Order: (1) the requirement that mobile wireless providers submit

¹ T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company. T-Mobile and Sprint are now one company operating under the name “T-Mobile.” The merger closed on April 1, 2020.

² See Comments and Petition for Reconsideration of CTIA, WC Docket Nos. 19-195, 11-10 (Sept. 8, 2020) (“First CTIA Petition”); Petition for Reconsideration of CTIA, WC Docket Nos. 19-195, 11-10 (May 7, 2021) (“Second CTIA Petition”); *In re Establishing the Digital Opportunity Data Collection*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460 (2020); *In re Establishing the Digital Opportunity Data Collection*, Third Report and Order, 36 FCC Rcd 1126 (2021) (“*Third DODC Order*”). The BDC was formerly known and referred to by the Commission as the “Digital Opportunity Data Collection.”

³ Comments in Support of Petition for Reconsideration and Reply Comments of T-Mobile USA, Inc. at 2-5, WC Docket Nos. 19-195, 11-10 (Sept. 17, 2020) (“T-Mobile Reply Comments”); First CTIA Petition at 3-7.

heat maps showing signal-strength levels in their coverage areas by technology and (2) the base forfeiture amount.

For the reasons explained below, T-Mobile supports both petitions and urges the Commission to grant them as expeditiously as possible.

I. THE COMMISSION SHOULD GRANT CTIA’S SEPTEMBER 2020 PETITION FOR RECONSIDERATION.

T-Mobile reiterates its support for CTIA’s September 2020 petition.⁴ As T-Mobile previously explained, in-vehicle coverage maps are unnecessary and not required by the Broadband DATA Act.⁵ Outdoor stationary maps will fully satisfy the requirements of the Broadband DATA Act, and they are a reliable basis for determining where outdoor coverage is available at given speeds. Eliminating the requirement to submit in-vehicle coverage maps, which are much harder to replicate, would avoid unnecessary complications with the BDC challenge process and make it easier to implement other verification processes.⁶ In addition, eliminating in-vehicle coverage mapping will minimize consumer confusion and “avoid unnecessary complications the Commission may encounter when trying to utilize such information to identify unserved areas for the 5G Fund.”⁷

⁴ T-Mobile Reply Comments at 2-5; First CTIA Petition at 5-7; Second CTIA Petition at 4-5; Reply Comments of Competitive Carriers Association at 5, WC Docket Nos. 19-195, 11-10 (Sept. 17, 2020) (“CCA Reply Comments”). Competitive Carriers Association (“CCA”) also supported CTIA’s September 2020 petition. CCA Reply Comments at 4-5.

⁵ T-Mobile Reply Comments at 2-5; First CTIA Petition at 5-7; Second CTIA Petition at 4-5; CCA Reply Comments at 5.

⁶ See Comments of Verizon at 9-11, 22-23, WC Docket Nos. 19-195, 11-10 (Sept. 8, 2020); Comments of T-Mobile USA, Inc. at 15-16, WC Docket Nos. 19-195, 11-10 (Sept. 8, 2020) (“T-Mobile Comments”).

⁷ Second CTIA Petition at 5.

In addition, the record supports treating mobile wireless link budgets as confidential, as the Commission did for fixed wireless.⁸ As CTIA explained, the Commission provided no justification for the presumption “that link budgets are confidential if submitted by fixed wireless providers but *not* confidential if submitted by mobile wireless providers.”⁹ Wireless link budgets—whether for fixed wireless or mobile wireless—contain proprietary and commercially sensitive information regarding the design of the provider’s network.¹⁰ Correcting this arbitrarily disparate treatment will help ensure mobile wireless providers’ proprietary information is protected, as Congress directed.¹¹

II. THE COMMISSION SHOULD GRANT CTIA’S PETITION TO RECONSIDER THE REQUIREMENT TO SUBMIT SIGNAL-STRENGTH HEAT MAPS AND THE BASE FORFEITURE AMOUNT.

T-Mobile also supports CTIA’s May 2021 petition, for similar reasons. In particular, the Commission should (1) not require mobile wireless providers to submit unnecessary “heat” maps and (2) reconsider the base forfeiture amount to better align with other programs.

A. The Commission Should Reconsider Its Decision to Require Signal-Strength Heat Maps.

T-Mobile agrees with CTIA that collecting signal-strength heat maps is unnecessary because the Commission “has already established the parameters that Congress determined

⁸ CCA Reply Comments at 5.

⁹ First CTIA Petition at 4; Second CTIA Petition at 4-5; T-Mobile Reply Comments at 3; CCA Reply Comments at 4.

¹⁰ Letter from Steve B. Sharkey, Vice President, Government Affairs, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 19-195, 11-10, at 1-2 (Aug. 17, 2020) (“T-Mobile August 17 Ex Parte”).

¹¹ See First CTIA Petition at 4; 47 U.S.C. § 642(a)(1)(B)(ii) (directing the Commission to adopt “processes and procedures through which the Commission, and, as necessary, other entities or individuals submitting non-public or competitively sensitive information under this subchapter, can protect the security, privacy, and confidentiality of that non-public or competitively sensitive information”).

would yield granular and geographically precise mobile wireless coverage maps.”¹² In addition, heat maps are not required by the Broadband DATA Act and the Commission does not explain why heat maps are necessary for verification.¹³

The record makes clear that signal strength is not a useful metric for determining where certain mobile wireless speeds are and are not available.¹⁴ As CTIA noted, the Commission has itself recognized on several occasions that signal strength is not a reliable predictor of on-the-ground coverage.¹⁵ The California Public Utilities Commission similarly recognized that “signal strength is an extremely poor predictor of Internet throughput.”¹⁶ And because the Commission is not going to use signal strength to determine where coverage is and is not available, it is unclear how heat maps will be used to verify that coverage is available at certain technologies and speeds where providers report. T-Mobile also agrees with CTIA that the Commission does not offer any explanation on this point, let alone a reasonable justification based on the record in this proceeding.¹⁷

¹² Second CTIA Petition at 5

¹³ *Id.* at 5-6.

¹⁴ See T-Mobile Reply Comments at 6-7; T-Mobile Comments at 3-4; Verizon Comments at 7-8; First CTIA Petition at 16-17; Comments of AT&T on Third Further Notice of Proposed Rulemaking at 7-8, WC Docket Nos. 19-195, 11-10 (Sept. 8, 2020) (“AT&T Comments”); T-Mobile August 17 Ex Parte at 2; Letter from Matthew Gerst, Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 19-195, 11-10 at 2-3 (May 29, 2020); Letter from Brendan F. Haggerty, Director, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-10 at 1 (Aug. 18, 2020) (“AT&T August 18 Ex Parte”); Reply Comments of Verizon at 5, WC Docket Nos. 19-195, 11-10 (Oct. 7, 2019).

¹⁵ Second CTIA Petition at 6; see also *Third DODC Order*, 36 FCC Rcd at 1142-43 ¶ 38; *In re Connect America Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282, 6302-03 ¶ 40 (2017) (explaining that “the signal strength parameter in propagation models may not be closely correlated with actual on-the-ground data in a particular geographic area”).

¹⁶ Comments of the California Public Utilities Commission at 9, WC Docket Nos. 19-195, 11-10 (Sept. 8, 2020).

¹⁷ See Second CTIA Petition at 6-7.

Even if the heat maps could be a reliable means of verifying coverage, they will not meaningfully improve the accuracy of coverage maps and will be (at best) redundant of the many other verification measures the Commission has already adopted.¹⁸ As CTIA explained, “the Commission has already adopted a robust set of tools to verify the accuracy of coverage data,” and the marginal value of collecting heat maps will be extremely low.¹⁹ Indeed, mobile wireless providers will already be disclosing signal-strength information in their link budgets.²⁰

Simply put, the record does not offer any support for requiring the development and submission of heat maps, and the Commission offers no meaningful justification or cost-benefit analysis supporting this collection. The Commission should therefore grant CTIA’s May 2021 petition and eliminate this requirement from the BDC rules.

If the Commission ultimately decides to require submission of heat maps, T-Mobile supports CTIA’s alternative proposal to require that these maps be submitted only upon request by Commission staff in response to a specific issue regarding a mobile wireless provider’s data.²¹ Doing so would be consistent with the Commission’s approach to the collection of infrastructure information and on-the-ground testing,²² and it would be a far more measured approach to the collection of heat maps with marginal value for verifying coverage data.

¹⁸ *Id.* at 6-7.

¹⁹ *Id.* at 6.

²⁰ T-Mobile Reply Comments at 6; AT&T Comments at 7 (“Importantly, the link budget information that providers are required to submit will allow the Commission to review the model parameters and actual signal strength results. This will enable staff to better understand the role and variability of signal strength.”).

²¹ Second CTIA Petition at 7-8.

²² *Id.*

B. The Base Forfeiture Amount Should Be Consistent with Comparable Programs.

Finally, T-Mobile supports CTIA's May 2021 petition to reconsider the \$15,000 base forfeiture amount.²³ T-Mobile agrees with CTIA that this amount is arbitrary, exceeds the standard base forfeiture of \$3,000 set for comparable programs, and that the Commission offers no real justification for setting a drastically higher base forfeiture amount for the BDC.²⁴ USTelecom similarly recognized that "[t]he Commission has provided little to no justification for adopting a base forfeiture amount for mapping that is five times higher than the standard \$3,000 base forfeiture for the Universal Service Fund violations, when the two serve the same important policy goals."²⁵

Granting CTIA's petition will bring the BDC base forfeiture into alignment with the Commission's base forfeiture amounts for comparable programs. At a minimum, the Commission should grant CTIA's request to offer guidance on how the base forfeiture will be applied to avoid unnecessarily penalizing a wireless provider for the same error appearing in multiple coverage maps.

III. CONCLUSION

For the reasons discussed above, T-Mobile urges the Commission to grant CTIA's petitions for reconsideration. Doing so will further Congress's goal of developing accurate and more granular coverage maps to help close the digital divide while avoiding unnecessary complications in the identification of unserved areas and consumer confusion.

²³ *Third DODC Order*, 36 FCC Rcd at 1180 ¶ 140.

²⁴ Second CTIA Petition at 9-10.

²⁵ Letter from B. Lynn Follansbee, Vice President, Policy & Advocacy, USTelecom – The Broadband Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 19-195 at 2 (May 19, 2021).

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey

Chris Wieczorek

Indra Sehdev Chalk

T-MOBILE USA, INC.

601 Pennsylvania Ave., NW

North Building, Suite 800

Washington, DC 20004

(202) 654-5900

June 4, 2021